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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN AZPEITIA-RODRIGUEZ,
aka "Antonio Ocampo-Garcia,"

Defendant.

Case No. 2:24-mj-481-MDC

**Stipulation to Extend Deadlines
to Conduct Preliminary Hearing and
File Indictment (Forth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Clay Plummer, Assistant United States Attorney, counsel for the United States of America, and Joy Chen, Assistant Federal Public Defender, counsel for Defendant JONATHAN AZPEITIA-RODRIGUEZ that the Court schedule the preliminary hearing in this case for no earlier than 60 days from the currently scheduled date of December 23, 2024, at 4:00pm. This request requires that the Court extend two deadlines: (1) the deadline to conduct a preliminary hearing, *see* Fed. R. Crim. P. 5.1(c); and (2) the deadline to file an information or indictment, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. The United States Attorney's Office has developed an early disposition
3 program for immigration cases, authorized by the Attorney General pursuant to the
4 PROTECT ACT of 2003, Pub. L. 108-21.

5 2. The early disposition program for immigration cases is designed to: (1) reduce
6 the number of hearings required in order to dispose of a criminal case; (2) avoid having
7 more cases added to the court's trial calendar, while still discharging the government's duty
8 to prosecute federal crimes; (3) reduce the amount of time between complaint and
9 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
10 indictments in immigration cases, which in turn reduces court costs.

11 3. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
12 preliminary hearing within a reasonable time, but no later than 14 days after the initial
13 appearance if the defendant is in custody"

14 4. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a
15 showing of good cause—taking into account the public interest in the prompt disposition of
16 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
17 times"

18 5. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny
19 information or indictment charging an individual with the commission of an offense shall be
20 filed within thirty days from the date on which such individual was arrested or served with a
21 summons in connection with such charges."

22 6. The parties previously stipulated to extend the above deadlines. Pursuant to
23 those stipulations, the Court rescheduled the preliminary hearing for December 23, 2024.
24

1 7. Defendant has accepted the fast-track plea agreement in this case. A joint
2 change of plea and sentencing hearing is currently scheduled for January 15, 2025, in Case
3 No. 2:24-cr-00255-JCM-NJK. Once defendant enters his guilty plea at that hearing, a
4 preliminary hearing will no longer be necessary.

5 8. Accordingly, the parties jointly request that the Court reschedule the
6 preliminary hearing in this case no sooner than 60 days from the currently scheduled date.

7 9. Defendant is in custody and agrees to another extension of the deadline
8 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
9 § 3161(b), provided that the information or indictment is filed on or before the date ordered
10 pursuant to this stipulation.

11 10. The parties agree to the extension of that deadline.

12 11. This extension supports the public interest in the prompt disposition of
13 criminal cases by permitting defendant to plead guilty pursuant to a plea agreement under
14 the United States Attorney's Office's fast-track program for § 1326 defendants.

15 12. Accordingly, the additional time requested by this stipulation is allowed
16 under Federal Rule of Criminal Procedure 5.1(d).

17 13. In addition, the parties stipulate and agree that the time between today and
18 the scheduled preliminary hearing is excludable in computing the time within which the
19 defendant must be indicted and the trial herein must commence pursuant to the Speedy
20 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.
21 § 3161(h)(7)(B)(i) and (iv).

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JONATHAN AZPEITIA-RODRIGUEZ,
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Defendant.

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**[Proposed] Order on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and File
Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on December 23, 2024 at 4:00 p.m., be vacated and continued to March 3, 2025 at 4:00 p.m in Courtroom 3B.

DATED 12-6-24.



HONORABLE MAXIMILIANO D. COUVILLIER III
UNITED STATES MAGISTRATE JUDGE